REMARKS

Prior to entry of this Amendment, claims 1-23 are pending in the Application, with original claim 24 having been withdrawn. Herein, claims 1, 5, and 15 are amended, and no claims are added or cancelled.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication in paragraphs 6 and 7 of the Office Action that claim 23 is allowed, and that claims 2, 3, 5-14, and 17-22 would be allowable if rewritten in independent form. In response Applicants have rewritten claim 5 in independent form, although claims 2, 3, 12-14, and 17-22 are believed also to contain allowable subject matter for the reasons set forth below.

Drawings

In paragraph 2 of the Office Action, the Examiner objected to the drawings because the reference number 14 was not shown in Figure 1. In response, Applicants submit herewith the Drawings including a Replacement Sheet 1 bearing a corrected Figure 1. In addition to adding the reference number 14, two other corrections have been made, namely, the UI block is now referred to as 46 and the RAU block is now referred to as 68. These changed are consistent with the Specification at paragraphs [0050] and [0055], respectively, and does not represent the addition of new matter. In light of these amendments, Applicants respectfully suggest that this ground for objection has been overcome.

Claim Objections

In paragraph 3 of the Office Action, the Examiner objected to claim 15 because of the phrase "successfully delivered to the mobile node" in line 5. In response, Applicants have changed this phrase to read "successfully delivered to the network part" in accordance with the

Examiner's suggestion. In light of these amendments, Applicants respectfully suggest that this ground for objection has also been overcome.

In paragraph 7 of the office action, the Examiner objected to claims 2, 3, 5-15, and 17-22 as being dependent on a rejected base claims, but also stated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response Applicants have re-written claim 5 in independent form including all of the limitations of claims 1 and 4, from which claim 5 previously depended, and traversed the rejection of the independent claims, as explained in the remarks below.

In light of these remarks and amendments, Applicants respectfully suggest that this ground for objection has also been overcome.

Claim Rejections – 35 U.S.C. § 102

In paragraph 4 and 5 of the Office Action, the Examiner rejected claims 1, 4, 15, and 16 under 35 U.S.C. § 102(e) as being anticipated by *Tsirtsis et al.* (U.S. Pat. No. 6,954,442). Applicants respectfully traverse. Initially, it is noted that the present invention is directed to a manner by which a mobile node operable in a radio communications system performs control signaling with a network part. (*See, for example,* the Specification of the present Application at paragraph [0002]. In FIG. 1 (now corrected), the mobile node 12 is represented as communicating with network part 14 via forward link 16 and reverse link 18. More particularly, a determination is made by a determiner 52 whether the network part 14 of the radio communication system is accessible by the mobile node 12, responsive to indications indicating whether a prior-sent control signal sent by the mobile node 12 has been successfully delivered to the network part 14. If the level of network-part access is unacceptable, an access-attempt-time selector selects when to permit transmission of a subsequent control signal by the mobile node to again attempt network access. (*See, for example,* claims 1 and 15. Note that claims 1 and 15 have been amended, but for clarity and to correct a typographical error, respectively; that is, their scope has not been changed.)

Tsirtsis et al. does not teach or suggest this method or apparatus, because it lacks the determiner and access-attempt-time selector of claim 1 and does not perform the determining and selecting operations of claim 6. Cited in the Office Action are *Tsirtsis et al.* Figs. 5 and 6, and their explanatory text (taken to mean approximately col. 12, line 39 to col. 14, line 18). Initially, please note that *Tsirtsis et al.* is directed to "methods and apparatus for establishing a data communication session through an access node in a multi-node network, e.g., a cellular network in which mobile end systems communicate with each other" (*Tsirtsis et al.* col. 1, lines 26-33). An end node may be a mobile node or fixed node (*Tsirtsis et al.* col. 5, lines 56-65). Figs. 5 and 6 show part of the process of initiating and conducting a data communication session between a first mobile end node X 304 and a second mobile end node Y 304" while target node X 304 is moving from cell 300 to cell 300', and hence being handed from first access node 200 to second node 200' (col. 12, lines 24-32). That is, access node 200 is located in communication cell 300, and is handing connectivity with end mobile node X 304 to access node 200' located in communication cell 300'.

Before handover, end node X 304 is connected (or connectable) to access node 200 via access link 308 (*Tsirtsis et al.* col. 10, lines 10-12). In this example of FIGS. 5 and 6, end node Y 304" send a signaling message 420 via access node 200", ultimately destined for end node X 304. Note that at this point, both the network parts (represented here by access nodes 200 and 200", which may be part of a PLMN) are, by definition, "accessible". (It may help to point out that in FIG. 1 of the present Application, the network part 14 is shown as a collection of among other components, networks such as WAN 26 and PLMN 22, which may themselves include access nodes, but the access nodes are not separately shown.) When mobile end node X 304 of *Tsirtsis et al.* relocates from cell 300 to cell 300', it changes its point of attachment from first access node 200 to second access node 200" (*Tsirtsis et al.* col. 12, lines 56-59). Again, accessibility of the network part (here represented by access node 200') is assumed (*see also* col. 12, line 65 to col. 13, line 4). Applicants respectfully suggest that *Tsirtsis et al.* FIG. 6 may be slightly (though not intentionally) misleading in this regard, as in practice cells frequently overlap and are generally not separated by "silent" areas where no connection with any access

node is possible. *Tsirtsis et al.* is simply addressing a different issue than the present Application.

Certainly, in *Tsirtsis et al.* the transit of mobile end node X 304 form cell 300 to cell 300' complicates the process of establishing of the desired data communication session. To address this issue, access nodes 200 and 200' communicate with each other to ensure that the location of target end mobile node X 304 is known, and that subsequent communications are addressed accordingly (see col. 13, line 8 to col. 14, line 19). In other words, in *Tsirtsis et al.,* the mobile end nodes, in a sense, signal as if no handover had taken place, though thanks to the communication accomplished between the access nodes, the proper identifiers will be used. Note that if end mobile node actually became inaccessible to the network during the exchange, implicitly the communication session would fail. The operation of the *Tsirtsis et al.* invention, in fact, depends on the accessibility of the end mobile nodes.

In summary, the operation of the present invention selectively prevents mobile-node control signals from being sent under certain circumstances to conserve battery power, for example when the network part has been found to be inaccessible (or poorly accessible) to the mobile node. *Tsirtsis et al.* uses communication within the network part to properly redirect communication between two accessible end mobile nodes. *Tsirtsis et al.* therefore does not teach or suggest the present invention, as recited in independent claims 1 and 15. Claims 4 and 16 are dependent from a respective one of claims 1 and 15, and are therefore likewise distinguishable from the cited prior art.

As mentioned above, claim 5 was indicated by the Examiner to recite allowable subject matter and has been re-written in independent form; claims 6 through 11 depend directly or indirectly from it and are therefore allowable as well.

For the reasons set forth above, Applicants respectfully suggest that this ground for rejection has been overcome.

In light of the foregoing, therefore, independent claims 1, 5, and 15, as now-amended, and the dependent claims dependent thereon are believed to be in condition for allowance. Claim 23 has been allowed. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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